

### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet(s)" of drawings include(s) changes to Figures 1 and 6. The attached "Replacement Sheet(s)," which include Figures 1 and 6, replaces the original sheets including Figures 1 and 6.

Attachment: Replacement Sheet(s)

### **REMARKS**

Claims 1-31 are now pending in the application. Claims 25-31 are cancelled by this Amendment without disclaimer to the subject matter contained therein. New claims 32-37 are added by this Amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **ELECTION/RESTRICTIONS**

The Examiner requires a restriction requirement per the 35 U.S.C. 121 and has grouped the claims into:

- I. Claims 1-24, drawn to an apparatus to determine a cracking angle of a specimen, classified in class 73, subclass 799.
- II. Claims 25-31, drawn to a method of determining an embrittlement potential, classified in class 73, subclass 809.

The Examiner states that the inventions are distinct from each other for various reasons. The restriction requirement is respectfully traversed.

Though the Applicant confirms the election of Group I (Claims 1-24), the Applicant asserts that examining each of the present claims would not provide an undue burden.

### **DRAWING OBJECTIONS**

The drawings stand objected to under 37 CFR 1.83(a).

Figure 1 has been amended to assure illustration of various elements of the claims. No new matter has been added, as support for the amendments can be found throughout the application as filed, including the claims.

#### **REJECTION UNDER 35 U.S.C. §102 AND §103**

Claims 1-7, 9 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Oenoke et al. (U.S. Patent No. 5,483,750). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Oenoke et al. (U.S. Patent No. 5,483,750). Claims 11-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oenoke et al. in view of Raymond (U.S. Patent No. 5,549,007) and further in view of Chebbi (U.S. Patent No. 6,651,472). These rejections are respectfully traversed.

Oenoki et al. is directed towards a springback angle measuring instrument for measuring a springback angle in-line during a bending procedure. In particular, the device is directed toward determining the amount of springback where springback occurs to achieve a selected bending angle in a workpiece. Similarly, Chebbi is directed towards a system that allows for achieving a precise bend angle in a workpiece that is repeatable over many times. Therefore, neither Oenoki et al. nor Chebbi are directed toward the presently pending claims.

Further, Oenoki et al. discloses that the press will move only in a straight line to move the workpiece into the fixed die. Contrary to this, independent Claim 1 recites “a movable chuck operably movable relative to a fixed chuck in an accurate and/or angle path”. Therefore, Oenoki et al. does not disclose each of the elements of

presently pending Claim 1. Therefore, independent Claim 1 is in condition for allowance in light of Ooenoki et al., as are the claims they depend directly or indirectly therefrom.

Further, as noted by the Examiner, Ooenoki et al. only discloses that a springback measurement is obtained. This is specifically to allow an in line determination of whether the workpiece has been bent a selected amount. Therefore, Ooenoki et al. actually teaches away from “wherein at least one of said control module, said bending module, or combinations thereof are operable to determine when a crack occurs in a selected component”. Ooenoki et al. determines only if the appropriate bending angle has been achieved in a workpiece.

Therefore, it is improper to combine Ooenoki et al. with Raymond for similar reasons. Raymond is directed toward a test apparatus to test a test sample and causing crack growth to occur. Because Ooenoki et al. is directed toward a system that measures springback in a piece to be bent to achieve a high accuracy in the bending of the workpiece, it would be improper to combine Ooenoki et al. with Raymond where Raymond attempts to cause a crack in a test piece.

Nevertheless, even if Ooenoki et al. is properly combined with Raymond, the combination still does not teach or fairly suggest each of the elements of independent Claim 12. Independent Claim 12 recites “a bending module operable to bend a selected test component; and a control module operable to control said bending module to select a bending characteristic of the test component”. Neither Ooenoki et al. nor Raymond, either alone or in combination, fairly teach or suggest such a bending module and a control module to select a bending characteristic of the test component.

Therefore, independent Claim 12 is also in condition for allowance in light of the cited art.

Further, Chebbi is not applicable to independent Claim 12. As discussed above, Chebbi describes a system that stores a group of data to allow for a condition, such as a penetration depth, to achieve a reproduceable bend angle. Therefore, Chebbi does not disclose, either alone or in combination with the other cited art, each of the elements of independent Claim 12. Therefore, the Applicants submit that each of the presently pending claims, including independent Claims 1 and 12, are in condition for allowance, as are each of the claims that depend directly or indirectly therefrom.

Further, new Claims 32-37 are also in condition for allowance as none of the art, either alone or in combination, teaches or fairly suggest each of the elements of independent Claim 32 or any of the claims that depend directly or indirectly therefrom.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 5/23/05

By: 

Michael L. Taylor  
Reg. No. 50,521

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MLT/lkj/jb